

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:21-cr-00009-RLY-MPB
)	
TREVOR BROWN,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 14, 2021, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. Defendant Brown appeared in person with his appointed counsel Erin Berger. The government appeared by Kristian Mukoski, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Sabina Delgado.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Brown of his rights and provided him with a copy of the petition. Defendant Brown waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Brown admitted violations 1, 2, 4 and 5 (Docket No. 5). The government indicated it would not move forward with violation 3.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

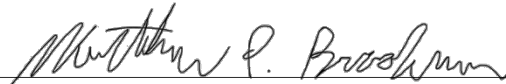
	Violation Number	Nature of Noncompliance
	1	<p>"You shall not commit another federal, state, or local crime."</p> <p>On August 8, 2020, the offender was arrested and charged in Vanderburgh County Circuit Court, Case No. 82C01-2008-F5-4470 for Ct. I: Felon Carrying a Handgun, Def has a prior felony conviction w/in last 15 years, a Level 5 Felony, Ct. II: Theft of a Firearm, a Level 6 Felony and Ct. III: Resisting Law Enforcement, a Class A Misdemeanor.</p>
	2	<p>"You shall not commit another federal, state, or local crime."</p> <p>On October 31, 2020, the offender was arrested and charged in Vanderburgh County Circuit Court, Case No. 82C01-2011-F5-5863 for Ct. I: Battery Resulting in Serious Bodily Injury, a Level 5 Felony and Ct. II: Possession of a Controlled Substance, a Class A Misdemeanor.</p>
	4	<p>"You shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon."</p> <p>The offender was charged in Vanderburgh County Circuit Court, Case No. 82C01-2008-F5-4470, with Felon Carrying a Handgun, Def has a prior felony conviction w/in last 15 years, a Class 5 Felony and Theft of a Firearm, a Level 6 Felony. The offender was charged in Vanderburgh County Circuit Court, Case No. 82C01-2102-F5-664, with Felon Carrying a Handgun, Def has a prior felony conviction w/in last 15 years, a Level 5 Felony.</p>
	5	<p>"You shall not unlawfully possess a controlled substance."</p> <p>The offender was charged in Vanderburgh County Circuit Court, Case No. 82C01-2011-F5-5683, with Possession of a Controlled Substance-Possession of a Schedule I, II, III or IV, a Class A Misdemeanor.</p>

4. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is I.
 - (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 4-10 months' imprisonment.

By agreement, the Parties recommended a sentence of ten (10) months in the Bureau of Prisons with no further supervision to follow upon release. The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of ten (10) months with no further supervision upon release from imprisonment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: September 14, 2021



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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United States Probation Office, United States Marshal